

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WJM 29
RECEIVED

SEP - 4 2003

AT 8:30 M
WILLIAM T. WALSH
CLERK

-----X
LOUIS ANTHONY MANNA,
Petitioner-Movant,

Crim. No. 88-239

Civil No. 97-2034

V.

Notice of Motion For
Discovery In connection With
Proceeding Pursuant To
28 U.S.C. §2255

UNITED STATES OF AMERICA,
Respondent.
-----X

FILED

SEP 4 2003

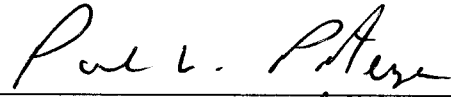
AT 8:30 M
WILLIAM T. WALSH
CLERK

PLEASE TAKE NOTICE, that upon the annexed declaration of Louis A. Manna, dated August 11, 2003, the Exhibits attached hereto, the Memorandum Of Law submitted in support hereof, and upon all prior proceedings heretofore had herein, Petitioner will move before this Court, at a place and time to be determined by this Court in accordance with its Rules:

I. For an Order, pursuant to the All Writs Act (28 U.S.C. Sec.1651), Rule 6 of the Rules Governing Section 2255 Proceedings (28 U.S.C. §2255, Proc. Rule 6), the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, Rule 83.3 of the Local Civil Rules of the United States District Court for the District of New Jersey and the inherent and supervisory powers of this Court, directing the Office of the United States Attorney for the District of New Jersey and the United States Marshal Service, to provide the Petitioner with those items of discovery set forth in Exhibit D to Petitioner-Movant's declaration submitted herewith;

II. And for such other and further relief as to this Court may seem just and proper.

Dated: Hackensack, New Jersey
September 4, 2003



Paul L. Potenza *PP 8591*
Co-counsel to Petitioner
Anthony A. Manna
159 Polifly Road
Hackensack, New Jersey 07602
(201) 342-1700

Pending Admission *Pro Hac Vice*
John W. Mitchell
Co-counsel to Petitioner
Anthony A. Manna
600 Third Avenue, 31st. Floor
New York, New York 10016
(212) 696-9500

To: The Clerk of the Court
United States District Court
For the District of New Jersey

A.U.S.A. Kevin E. McCarthy
Chief, Strike Force Division
Office of the United States Attorney
For the District of New Jersey

James Plousis
United States Marshal
For The District of New Jersey

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY



LOUIS ANTHONY MANNA

Petitioner-Movant,

V.

Crim. No. 88-239

Civil No. 97-2034

UNITED STATES OF AMERICA

Respondent.

-----X

LOUIS ANTHONY MANNA, pursuant to the provisions of 28 U.S.C. 1746, herewith makes the following declaration under the penalties of perjury:

1. I am the Petitioner-Movant in the above entitled proceeding and I make this declaration in support of my application for certain discovery, as more fully described in Exhibit D hereto.

2. On or about June 28, 1989, following a trial to a jury, I was convicted of a substantive RICO count (18 U.S.C. § 1962[c]) and a RICO conspiracy count (18 U.S.C. §1962[d]), and of several substantive counts alleging violations of 18 U.S.C. §1952B, §§ 891 & 894, §317 and §1955. On September 26, 1989, I was sentenced by the Hon. Maryanne Trump Barry, to a term of 80 years imprisonment.

3. Following my conviction, I filed a direct appeal to the United States Court of Appeals for the Third Circuit. My conviction was affirmed without opinion on November 21, 1990. (United States v. Manna, 919 F.2d 733 [3d Cir. 1990]) I subsequently filed a Petition for a Writ of Certiorari, which was denied on April 1, 1991. (Manna v. United States, 499 U.S. 949 [1991])

4. Virtually from the time of my conviction, I have made every effort to prove that I was innocent of all charges brought against me and that I was unfairly convicted. To this end, I have vigorously and diligently pursued requests, under the Freedom of Information Act ("FOIA," 5 U.S.C. § 552), for all information maintained by the government that related to my case. However my efforts to unearth relevant information met with persistent and continued resistance from the government and from those individual law enforcement agencies to which FOIA requests were made. In fact, on a number of occasions I have had to litigate my rights to secure this information. (Manna v. United States Dep't of Justice, 815 F. Supp. 798 [D. N.J. 1993]; Manna v. United States Dep't of Justice, No. 92-1840 [D. N.J. August 25, 1993]; Manna v. United States Department of Justice, 832 F. Supp. 866 [D. N.J. 1993]; Manna v. United States Department of Justice, 51 F.3d 1158 [3rd Cir. 1995]; Manna v. Bell Atlantic of New Jersey, et al, denied [D.C. Civ. No. 94-04917] affirmed, 65 F.3d 162 [3rd Cir. 1995]).

5. In this regard, it is germane to point out that before filing a Petition for a Writ of Habeas Corpus in April of 1997 - and aware that the laws relating to habeas corpus petitions provided that absent unusual circumstances I would have a only a single opportunity to raise newly discovered information for the District Court's review and consideration - I worked diligently to discover and secure all available information pursuant to the FOIA. The fact that I was using the FOIA to gather information for a habeas petition was, at that time, well known to the government. Indeed, as the

Third Circuit Court of Appeals observed in "Manna v. United States Department of Justice, *supra* at 1166; "Manna appears to seek disclosure of the documents in an effort to prove, in a forthcoming 28 U.S.C.A. § 2255 habeas petition, government misconduct during his criminal prosecution as well as his innocence."

5. On April 21, 1997, having pursued every possible avenue to secure relevant information from the government's files, I filed a habeas corpus petition pursuant to 28 U.S.C. §§2255 & 2241. In an opinion dated January 29, 1998, Judge Maryanne Trump Barry, denied the Petition in all respects. On February 6, 1998, I filed a motion for reconsideration. On August 4, 1999, my motion for reconsideration was denied, and in addition, the Court's Order further provided that Petitioner's request that a Certificate of Appealability issue pursuant to 28 U.S.C. §2253(c), also be denied.

6. Even though my habeas corpus petition was denied, I have nonetheless persisted in my efforts to discover relevant information from the government to prove my innocence. Recently, in response to a request to the Federal Bureau of Investigation, once again made under the Freedom to Information Act, I was provided with a document described on its face as a "FBI priority memorandum." Even though this document was dated "August 4, 1989" - and notwithstanding all of my prior efforts to cause the FBI to disgorge relevant documents under the FOIA - I had never seen this memorandum before, I did not know that such a document existed, and most importantly, I was entirely unaware of the facts and/or subject matter addressed therein.

7. In any event, while the 13 page FBI memo is fragmented and substantial portions have been blacked-out, the information that can be deciphered therefrom is, axiomatically, of enormous significance.

8. As the document attached hereto as exhibit "A" revealed to me for the first time,

apparently sometime in July of 1989 - just following my conviction but prior to my sentencing - the FBI allegedly received information from an individual, who the Bureau considered to be a credible source, that the Petitioner (and perhaps others) were involved in a plot to murder Trial Judge Maryanne Trump Barry, the United States Attorney, Samuel A. Alito and the chief prosecutor, AUSA Michael Chertoff. As a result, and as the FBI memo confirms, "appropriate notifications" were made by the FBI to Judge Barry, United States Attorney, Samuel Alito, AUSA Michael Chertoff, The United States Marshal's Service, Newark and the Chief Judge of the United States District Court for the District of New Jersey.

9. However, even though these events took place in July and August of 1989, at no time did anyone from the government, Trial Judge Barry, the Chief Judge of the District Court, the FBI, or anyone from the U.S. Marshal's Service, ever notify Petitioner or any representative, specifically including his counsel (trial or appellate counsel) or to Petitioner's knowledge, any co-defendant or their counsel, that Judge Barry had been warned by the FBI that the Petitioner was involved in a plot to kill her, the lead trial prosecutor and others. In fact, to this day, Judge Barry has never revealed that at the time she sentenced the Petitioner, as well as at those times she ruled upon Petitioner's habeas corpus applications, she was aware of a death threat against her, purportedly involving the Petitioner.

10. On December 16, 2002, Paul Potenza, Esq., acting as my counsel, wrote a letter to AUSA Kevin E. McCarthy, Chief of the Strike Force Division of the United States Attorney's Office, as well as to the United States Marshal's Service, Newark, New Jersey. In Mr. Potenza's letter (attached hereto as Exhibit "B"), he provided a copy of the thirteen page "priority memorandum" which I had received from the FBI pursuant to my FOIA request, and asked the

government to produce any information in their possession which related to this alleged murder plot, including :

- (a) copies of the interview(s) of and/or statements and information given by the informant;
- (b) the results of any polygraph test given to the informant and the date(s) thereof;
- (c) disclosure of the precise date Judge Barry, Mr. Chertoff and the other victims of the alleged conspiracy were advised of same;
- (d) disclosure of any security or other precautions provided to the victims of the alleged conspiracy; and,
- (e) copies of all internal memorandums and investigative reports prepared in connection with the FBI's investigation of the informant's report.

The request by my counsel went completely ignored. Accordingly, in late May of 2003, I asked Mr. Potenza to again request of the government any information that they possessed regarding this matter. In a letter dated June 3, 2003 (attached hereto as Exhibit "C"), Mr. Potenza renewed his request for those materials that he had sought in his letter of December 16, 2003. Nevertheless, once again - with the exception of a call from a representative of the Marshal's Service saying that he had no knowledge or information about the matter - Mr. Potenza's request was ignored.

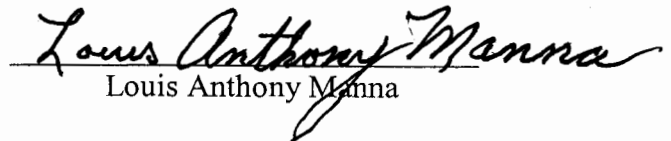
11. As more fully set forth in the accompanying Memorandum of Law, the law is well settled that a trial judge has a self-executing obligation, under 28 U.S.C. §455(a), to recuse herself once she is informed by a source other than the defendant, that she is the target of a murder plot by a defendant. If Judge Barry was in fact made aware of a purported plot to kill her, which allegedly involved the Petitioner, and she was informed of this alleged plot by the FBI and/or the Marshal's Service, she was obligated by law to recuse herself. Most respectfully, she should not have presided over and imposed the sentence in my case, nor should she have ruled upon any post trial proceedings

and most importantly, she should not have decided my habeas corpus Petition.

12. For the reasons more fully described in the accompanying Memorandum of Law, I am entitled to discovery of the information that relates to these matters so that I may have a fair opportunity to raise and litigate the issue of whether the rulings and decisions of Judge Barry - subsequent to her being informed of this alleged murder plot - should be vacated, *nunc pro tunc*. Accordingly, an Order of this Court should issue directing the Office of the United States Attorney for the District of New Jersey, the Federal Bureau of Investigation and the United States Marshal's Service to provide Petitioner with all relevant information which relates to this alleged July 1989 murder plot and any and all information with respect to the notification of Judge Barry, including but not limited to a description of any measures that may have been undertaken to guard or otherwise protect Judge Barry and/or any other the other individuals said to be potential targets of the alleged plot.

I, Louis A. Manna, pursuant to the provisions of 28 U.S.C. §1746, declare under penalty of perjury that the foregoing statements are true and correct.

Fairton, New Jersey
Executed on this 11 day of August, 2003


Louis Anthony Manna

EXT: VZCZCNY0104

PP HQ NK

DE NY #0104 2052037

ZNY UUUUU

O 241654Z JUL 89

FM FBI NEW YORK (89B-NK-63569)

TO DIRECTOR FBI/PRIORITY/

FBI NEWARK/PRIORITY/

BT

UNCLAS

CITE: //3540//

SUBJECT: MARTIN CASELLA; FRANK DANIELLO; RICHARD DESCISCIO; LOUIS;
ANTHONY MANNA; AKA BOBBY MANNA [REDACTED] AKA;

[REDACTED] USDC JUDGE MARYANNE TRUMP BARRY, USA SAMUEL A ALITO;
AUSA MICHAEL CHERTOFF-VICTIMS; AFO CONSPIRACY; OO:NK.

RENKTEL TO DIRECTOR, DATED JULY 14, 1989.

ON JULY 19, 1989 [REDACTED] METROPOLITAN CORRECTIONAL
CENTER, NEW YORK CITY, NEW YORK, ADVISED THAT LOUIS ANTHONY MANNA,
INMATE NUMBER 09211-050 HAS BEEN VISITED BY [REDACTED]

[REDACTED] NO VISITOR LIST WAS AVAILABLE FOR RICHARD
DESCISCIO, INMATE NUMBER 09219-050, INDICATING HIS ONLY VISITORS
HAVE BEEN IMMEDIATE FAMILY.

[REDACTED] ADVISED NO RECORDS ARE KEPT OF DESTINATIONS FOR OUTGOING
MAIL OR ORIGINS OF INCOMING MAIL. FURTHER [REDACTED] RECORDS

INDICATE AUSA/NK HAS SUBPOENAED VISITORS LIST FOR THE MONTH OF JUNE.

[REDACTED] ADDED THAT THE TYPE OF SUBJECTS IN CAPTIONED MATTER
OFTEN PASS MESSAGES OUTSIDE JAIL THROUGH THEIR ATTORNEYS.

INVESTIGATION IS CONTINUING.

89B-NK-03569-
MOST INDEXED
SERIALIZED FILED

JUL 24 1989

Duplicate

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATIONAIRTEL

DATE: 7/25/89

TO : SAC, NEWARK (99B-NK-63569)

FROM : ADIC, NEW YORK (99B-NK-63569) (P) (NRA)

SUBJECT: MARTIN CASELLA;
FRANK DANIELLO;
RICHARD DESCISCIO;
LOUIS ANTHONY MANNA, aka;
[REDACTED] aka;
— USDJ MARY ANN TRUMP BARRY - VICTIM;
USA SAMUEL A. ALITO - VICTIM;
AUSA MICHAEL CHERIOFF - VICTIM;
AFO;
CONSPIRACY
(OO: NK)

ReNKteletype to Bu, dated 7/14/89, and NY teletype to
NK, dated 7/19/89.

Enclosed for Newark are copies of correspondence lists
and visitor lists for subjects MARTIN CASELLA, inmate no. 09215-050
inmate no. [REDACTED] inmate no. [REDACTED] and [REDACTED]

On 7/25/89 [REDACTED] Federal
Correction Institution (FCI), Otisville, NY, made available the
enclosed correspondence and visitor lists [REDACTED] advised
the enclosed lists represent all available records regarding the
inmates. He advised little further information exists, primarily
because the above inmates are classified "holdovers" and have
been convicted but not sentenced [REDACTED] advised no records
could be immediately located regarding subject FRANK DANIELLO,
inmate no. 09214-050, who is also confined at FCI, Otisville.

2-Newark (Encls. 3) *YR*
1-New York

GJL/chm
(4)

183A-328-1365X1

Inc!

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 4 1989	
FBI - NEWARK	

mm

89B-NK-63569

[REDACTED] was made aware of details regarding
captioned investigation [REDACTED] advised he has made
discreet plans to [REDACTED]

67C
67D [REDACTED] FCI, Otisville. He advised all
future visitors received by captioned subjects [REDACTED]
and the Newburgh RA will be advised. He advised discreet
attempts will also be made to [REDACTED]

[REDACTED]

Contact will be maintained with [REDACTED] pending
receipt of further information from Newark.

Record Number:

67C

1 I/M # :09216-050
2 I/M NAME :Casella Martin
3 VIS 1 :
4 ADDRESS :
5 VIS 2 :
6 ADDRESS :same as above
7 VIS 3 :
8 ADDRESS :
9 VIS 4 :
10 ADDRESS :
11 VIS 5 :
12 ADDRESS :
13 VIS 6 :
14 ADDRESS :
15 VIS 7 :
16 ADDRESS :
17 VIS 8 :
18 ADDRESS :
19 VIS 9 :
20 ADDRESS :
21 VIS 10 :
22 ADDRESS :
23 DAY1 :07-12-1989
24 VISITOR : weekday
25 DAY2 :
26 VISITOR :
27 DAY3 :
28 VISITOR :
29 DAY4 :
30 VISITOR :
31 DAY5 :
32 VISITOR :
33 DAY6 :
34 VISITOR :
35 DAY7 :
36 VISITOR :
37 SPECIAL :
38 ATTORNEY :
39 REMARKS :
40 REMARKS :

Record Number

1 I/M #
 2 I/M NAME
 3 VIS 1
 4 ADDRESS
 5 VIS 2
 6 ADDRESS : SAME AS ABOVE
 7 VIS 3
 8 ADDRESS
 9 VIS 4
 10 ADDRESS
 11 VIS 5
 12 ADDRESS
 13 VIS 6
 14 ADDRESS
 15 VIS 7
 16 ADDRESS
 17 VIS 8
 18 ADDRESS
 19 VIS 9
 20 ADDRESS
 21 VIS 10
 22 ADDRESS
 23 DAY1 : 07-06-1989
 24 VISITOR : weekday
 25 DAY2 : 06-17-1989
 26 VISITOR : weekend
 27 DAY3 : 07-13-1989
 28 VISITOR : wee3kday
 29 DAY4 : 06-08-1989
 30 VISITOR : weekday
 31 DAY5 : 05-18-1989
 32 VISITOR : weekday
 33 DAY6 : 06-24-1989
 34 VISITOR : weekend
 35 DAY7 : 06-02-1989
 36 VISITOR : weekend
 37 SPECIAL
 38 ATTORNEY
 39 REMARKS
 40 REMARKS : 07-01-1989

67C

Record Number: 488

1 I/M
2 I/M NAME
3 VIS 1
4 ADDRESS
5 VIS 2
6 ADDRESS
7 VIS 3
8 ADDRESS same as vis 2
9 VIS 4
10 ADDRESS
11 VIS 5
12 ADDRESS
13 VIS 6
14 ADDRESS
15 VIS 7
16 ADDRESS
17 VIS 8
18 ADDRESS
19 VIS 9
20 ADDRESS
21 VIS 10
22 ADDRESS
23 DAY1 : 07-08-1989
24 VISITOR : weekend
25 DAY2
26 VISITOR
27 DAY3
28 VISITOR
29 DAY4
30 VISITOR
31 DAY5
32 VISITOR
33 DAY6
34 VISITOR
35 DAY7
36 VISITOR
37 SPECIAL
38 ATTORNEY
39 REMARKS
40 REMARKS

3 (Rev 8-29-85)

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

FM FBI NEWARK (89B-NK-63569) (P) (C-1)

TO DIRECTOR FBI/PRIORITY/

TO FBI ALBANY/PRIORITY/

TO FBI NEW YORK/PRIORITY/

BT

UNCLAS

CITE: //3510//

SUBJECT: MARTIN CASELLA; FRANK DANIELLO; RICHARD DE SCISCIO;
 LOUIS ANTHONY MANNA; AKA BOBBY MANNA [REDACTED]
 [REDACTED] AKA [REDACTED] (PH); USDC JUDGE MARYANNE TRUMP BARRY,
 USA SAMUEL A ALITO; AUSA MICHAEL CHERTOFF-VICTIMS; AFO
 CONSPIRACY; OO: NEW YORK.

SECTION ONE OF THREE.

RE: TELEPHONE CONVERSATION BETWEEN SSA [REDACTED]

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

SEARCHED _____ INDEXED _____
 SERIALIZED _____ FILED _____

183A-329-1345

3 (Rev. 8-29-85)

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TWO, NK 89B-NK-63569, UNCLAS

NEWARK AND SSA [REDACTED] FBIHQ 7/3/89.

FOR INFORMATION OF ALBANY CAPTIONED SUBJECTS CASELLA,
 DANIELLO, DE SCISCIO, MANNA, AND [REDACTED] WERE RECENTLY CONVICTED
 IN USDC, NEWARK IN AN ORGANIZED CRIME MATTER, BEFORE JUDGE MARY
 ANN TRUMP BARRY. SENTENCING IS PENDING. AUSA MICHAEL CHERTOFF
 WAS THE LEAD PROSECUTOR IN THE CASE.

(X) [REDACTED] PROTECT IDENTITY, P.I.

DOB: [REDACTED] SSAN [REDACTED] FBI# [REDACTED]

[REDACTED] INFORMED FBI AND USMS, NEWARK OF THIS [REDACTED]
 WAS INTERVIEWED AT BY SAS OF FBI NEWARK ON [REDACTED]

[REDACTED] ADVISED A
 FOLLOWS:

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

3 (Rev. 8-29-85)

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE SEVEN, NK 89B-NK-63569 UNCLAS

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 FOLLOWING INTERVIEW OF [REDACTED] ASKED TO TAKE A
 14 POLYGRAPH EXAMINATION. HE AGREED; HOWEVER, WHEN WITH THE
 15 EXAMINER HE DECIDED HE WOULD NOT TAKE THE EXAMINATION UNTIL HIS
 16 ATTORNEY MET WITH SOMEONE FROM THE U.S. ATTORNEY'S OFFICE
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

3 (Rev. 8-29-85)

FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

1 ^PAGE EIGHT, NK 89B-63569, UNCLAS

2 EVENT THE POLYGRAPH INDICATES TRUTHFULNESS. IT IS NOTED THAT
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SUBSEQUENT INVESTIGATION INDICATED

DOB

HT

WT

LBS

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

3 (Rev 8-29-85)

FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

*PAGE TEN, NK 89B-63569, UNCLAS

1 CASE AGENT IN NK 183A-329 (MANNA CASE) HAS PREPARED THE FOLLOWING
 2 ASSESSMENT:

3 THREAT ASSESSMENT: TRADITIONAL ORGANIZED CRIME.

4 LOUIS ANTHONY MANNA IS ALLEGED TO BE AND, IN FACT, WAS
 5 CONVICTED ON 6/26/89 OF CONTROLLING A PARTICULARLY VIOLENT FACTION
 6 OF THE GENOVESE LCN. THE TRIAL OF MANNA, ET AL, WAS AN INTENSIVE
 7 EFFORT BY AUSA, MIKE CHERTOFF AND IT IS CERTAINLY CONCEIVABLE
 8 THAT MANNA WOULD HOLD CHERTOFF SINGULARLY RESPONSIBLE FOR THE
 9 CONVICTIONS. LIKE WISE, JUDGE MARYANNE TRUMP BARRY'S COURTROOM
 10 PRESENCE COULD BE PERCEIVED BY MANNA TO HAVE BEEN A DETRIMENT TO
 11 HIS DEFENSE STRATEGY.

12 AT THIS POINT, NO AVAILABLE INFORMATION EXISTS TO MAKE AN
 13 INFORMED JUDGEMENT AS TO MANNA'S CONTINUED STATURE WITHIN THE
 14 GENOVESE LCN AND IT THEREFOR MUST BE ASSUMED THAT HE CONTINUES TO
 15 MAINTAIN A POSITION WITHIN THE HIERARCHY OF THE FAMILY. MANNA'S
 16 REPUTATION AND EVIDENCE PRESENTED AT HIS TRIAL INDICATE THAT HE
 17 IS MORE THAN CAPABLE OF ORDERING THE EXECUTION OF OTHERS.
 18 MANNA'S CONVICTION FOR PLOTTING THE EXECUTION OF BOTH JOHN AND
 19 GENE GOTTI IS BASIS TO BELIVE THAT HE IS CAPABLE OF ORDERING THE
 20 EXECUTION
 21

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

RECYCLED



Paul L. Potenza

ATTORNEY AT LAW

155 Polifly Road
Hackensack, New Jersey 07601

Tel: (201) 342-1700

Fax: (201) 343-5181

December 16, 2002

United States Attorney's Office
for the District of New Jersey
970 Broad Street, Room 700
Newark, New Jersey 07102

Attention: A.U.S.A. Kevin E. McCarthy, Chief, Strike Force Division

Re: MANNA, Louis Anthony adv. United States
Crim. No. 88-239

Dear Mr. McCarthy:

You will recall that I previously requested and wrote to you (see copy 9/12/02 correspondence attached hereto) regarding your efforts to locate the photographs and negatives my client Louis Anthony Manna produced at his trial of his son's birthday party on January 10, 1988, as well as copies of any Jencks material which may have been produced at trial. Please advise of your success in these regards.

Most recently, in July of this year, Mr. Manna received numerous documents pursuant to his requests through the Freedom of Information Act. These have revealed a number of official FBI inquiries and activities of which neither he nor his trial counsel were ever made aware. As a result of these FOIA disclosures, I now make the following official requests of your Office:

1. I enclose a 1-page FBI memorandum dated 2/23/89 whereby the Newark Office is requesting of the New York Office copies of photos, prints and handwriting exemplars pertaining to Mr. Manna. We know these documents were secured by the New York FBI pursuant to a Grand Jury Subpoena on March 5, 1987. I hereby request copies of these documents sent to your Office pursuant to this request.
2. I enclose a 2-page FBI memorandum/teletype dated 4/25/88 requesting that its Boston Office send a Special Agent to Newark to help identify voices on tape recordings. Neither the identity of this Agent nor his background and experience/expertise was ever disclosed to Mr. Manna or his trial counsel and a formal request is hereby made for the identity of this Agent.

3. I enclose copies of an FBI memorandum dated 2/23/89 from the Newark to the New York office requesting copies of tapes in the "Ostrakova" investigation, and a second memorandum dated 3/9/89 whereby the Newark Office acknowledges receipt of these tapes. I hereby request copies of these tapes as well as any reports, memorandums, etc. prepared by the FBI or its agents in conjunction with their review/investigation of same.

4. I enclose copies of 13-pages of FBI memorandum/teletype dated July 1989 pertaining to an alleged conspiracy by Mr. Manna, and some of his fellow Defendants at trial, to harm Judge Barry, Mr. Chertoff, and others. Same refers to a polygraph given to the informant, and the fact that the victims of the alleged conspiracy were notified of the threat. Accordingly, I request on behalf of Mr. Manna (a) copies of the interview(s) of and/or statements and information given by the informant; (b) the results of any polygraph test given to the informant; (c) disclosure of the precise date Judge Barry, Mr. Chertoff and the other victims of the alleged conspiracy were advised of same; (d) disclosure of any security or other precautions provided to the victims of the alleged conspiracy; and, (e) copies of all internal memorandums and investigative reports prepared in connection with the FBI's investigation of the informant's report. I wish to emphasize that Mr. Manna does NOT seek the identity of the informant at this time.

By copy hereof to the United States Marshals Service (Newark), I am including that Government Agency in my request #4 next above for the information described, and providing it with copies of the relevant 13-page FBI memorandum/teletype.

Thank you.

Very truly yours,

PAUL L. POTENZA

Attachment & Encls.

Cc: United States Marshals Service (Newark, NJ)(w/13-pp. encls.)
Mr. Louis Anthony Manna (w/encls.)

Paul L. Potenza
ATTORNEY AT LAW
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June 3, 2002

United States Attorney's Office
for the District of New Jersey
970 Broad Street, Room 700
Newark, New Jersey 07102

Attention: A.U.S.A. Kevin E. McCarthy, Chief, Strike Force Division

Re: MANNA, Louis Anthony adv. United States
Crim. No. 88-239

Dear Mr. McCarthy:

You will recall that on December 16, 2002, I wrote to your office (with a copy to the U.S. Marshal's Service, Newark), forwarding copies of 13-pages of FBI memorandum/teletype dated July 1989 pertaining to an alleged conspiracy by Mr. Manna, and some of his fellow Defendants at their trial in U.S. District Court in 1989, to harm Judge Barry, Mr. Chertoff (who was prosecuting their matter), and others. Same refers to a polygraph given to the informant, and the fact that the victims of the alleged conspiracy were notified of the threat. I have never received a response to my request. Accordingly, I request on behalf of Mr. Manna:

- (a) copies of the interview(s) of and/or statements and information given by the informant;
- (b) the results of any polygraph test given to the informant and the date(s) thereof;
- (c) disclosure of the precise date Judge Barry, Mr. Chertoff and the other victims of the alleged conspiracy were advised of same;
- (d) disclosure of any security or other precautions provided to the victims of the alleged conspiracy; and,
- (e) copies of all internal memorandums and investigative reports prepared in connection with the FBI's investigation of the informant's report.

I wish to emphasize that Mr. Manna does **NOT** seek the identity of the informant at this time so that you may redact any such identifiers from the relevant documents.

I am re-enclosing copies of the 13-pages referred to for your convenience.

By copy hereof to the United States Marshals Service (Newark), I am repeating my request of that Agency as well (and enclosing copies of the 13-pages).

Finally, your timely response to this request is imperative as there is a fast-approaching deadline for the filing of a post-conviction motion on behalf of Mr. Manna.

Thank you.

Very truly yours,

PAUL L. POTENZA

Encls.

Cc: ~~United States Marshals Service (Newark, NJ)(w/13-pp. encls.)~~
 ✓ Mr. Louis Anthony Manna

bcc: Mrs. Juliette Principato

Petitioner's Preliminary Requests For Discovery
Pursuant To 28 U.S.C. §2255, Procedural Rule 6 (b)

Petitioner, Louis Anthony Manna, pursuant to Rule 6(b) of the Procedural Rules governing petitions under 28 U.S.C. §2255, hereby respectfully requests that the following documents be produced for Petitioner's discovery, inspection and/or copying:

1. Any and all documents¹ in the possession custody and/or control of the (a) United States District Court for the District of New Jersey, (b) the Federal Bureau of Investigation, (c) the United States Marshal's Service and/or (d) the Office of the United States Attorney For The District of New Jersey, that relate to the information contained in a FBI "priority memorandum," dated July 24, 1989 ("FBI Memorandum," submitted herewith as Exhibit "A") and/or any documents that relate in any way to an investigation, more fully described in the FBI Memorandum, concerning a plot/conspiracy, allegedly involving the Petitioner, to kill or otherwise harm Judge Maryanne Trump Barry, former Assistant United States Attorney, Michael Chertoff, and/or the former United States Attorney for the District of New Jersey, Samuel A. Alito.

2. Pursuant to Procedural Rule 6(b) of 28 U.S.C. §2255, Rule 36 of the Fed. R. Civil Pro., and L. Civ. Rules 36.1 and 83.3 of the Local Rules of the United States District Court for the District of New Jersey, Petitioner further makes the following requests for admission by a duly authorized representative of the United States District Court for the District of New Jersey:

ADMIT THAT:

REQUEST NO. I. That in or about July of 1989, Judge Maryanne Trump Barry was informed by law enforcement officials and/or others, of a possible plot or conspiracy, involving Louis A. Manna and possibly others, to kill or otherwise injure Judge Barry, and/or then AUSA Michael Chertoff, and/or then United States Attorney, Samuel Alito.

RESPONSE:

ADMIT THAT:

REQUEST NO. II That Judge Maryanne Barry was informed of this alleged plot/conspiracy on or about the _____ day of _____ 1989

1

As used herein, the term "document" is to be interpreted consistent with the description contained in Rule 34(a) of the Fed. R. Civil Pro., and shall include, but not be limited to, any writings, memoranda, reports, airtels, facsimiles, drawings, charts, photographs, tape recordings, lie detector reports and/or data, computer data or any other data compilation from which information can be obtained or, if need be, translated through detection devices into reasonably usable form.

3. Pursuant to Procedural Rule 6(b) of 28 U.S.C. §2255, Rule 36 of the Fed. R. Civil Pro., and L. Civ. Rules 36.1 and 83.3 of the Local Rules of the United States District Court for the District of New Jersey, Petitioner further makes the following requests for admission by a duly authorized representative of the Federal Bureau of Investigation:

ADMIT THAT:

REQUEST NO. III. That in or about July of 1989, Judge Maryanne Trump Barry was informed by law enforcement officials and/or others, of a possible plot or conspiracy, involving Louis A. Manna and possibly others, to kill or otherwise injure Judge Barry, and/or then AUSA Michael Chertoff, and/or then United States Attorney, Samuel Alito.

RESPONSE:

ADMIT THAT:

REQUEST NO. IV. That Judge Maryanne Barry was informed of this alleged plot/conspiracy on or about the _____ day of _____ 1989

4. Pursuant to Procedural Rule 6(b) of 28 U.S.C. §2255, Rule 36 of the Fed. R. Civil Pro., and L. Civ. Rules 36.1 and 83.3 of the Local Rules of the United States District Court for the District of New Jersey, Petitioner further makes the following requests for admission by a duly authorized representative of the United States Marshal Service:

ADMIT THAT:

REQUEST NO. V. That in or about July of 1989, Judge Maryanne Trump Barry was informed by law enforcement officials and/or others, of a possible plot or conspiracy, involving Louis A. Manna and possibly others, to kill or otherwise injure Judge Barry, and/or then AUSA Michael Chertoff, and/or then United States Attorney, Samuel Alito.

RESPONSE:

ADMIT THAT:

REQUEST NO. VI. That Judge Maryanne Barry was informed of this alleged plot/conspiracy on or about the _____ day of _____ 1989

5. Pursuant to Procedural Rule 6(b) of 28 U.S.C. §2255, Rule 36 of the Fed. R. Civil Pro., and L. Civ. Rules 36.1 and 83.3 of the Local Rules of the United States District Court for the District of New Jersey, Petitioner further makes the following requests for admission by a duly authorized representative of the Office of the United States Attorney For The District of New Jersey:

ADMIT THAT:

REQUEST NO. VII. That in or about July of 1989, Judge Maryanne Trump Barry was informed by law enforcement officials and/or others, of a possible plot or conspiracy, involving Louis A. Manna and possibly others, to kill or otherwise injure Judge Barry, and/or then AUSA Michael Chertoff, and/or then United States Attorney, Samuel Alito.

RESPONSE:

ADMIT THAT:

REQUEST NO. VIII. That Judge Maryanne Barry was informed of this alleged plot/conspiracy on or about the _____ day of _____ 1989